IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14565 of 1996

Between:

1 Asif Pasha son of Ijaz Ahmed
33, 3rd Main, Bismilla Nagar,
Bangalore
2 Aijaz Ahmed son of Ammerjan
No.33, 3rd main, Bismilla Nagar,
Bangalore

..... PETITIONERS

AND

1 State Transport Authority
AP,. Hyderabad
2 Secretary , State Transport Authority,
AP., Hyderabad
3 Secretary, Sate Transport Authority,
Karnataka, Bangalore
4 Transpoprt, Commissoner,
AP., Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring that the 2nd Respondent has no power or Jurisdiction to transmit the vehicles check reports relating to the petitioner All India Tourist buses, to the 3rd Respondent for necessary action and the 3rd Respondent has no power or Jurisdiction to entertain the said reports made by the subordinate officers of 2nd respondent and no power to take congnizance of the same while considering applications of the petitioner for fresh permits replacements alterations etc;

Counsel for the Petitioner: MR.NOUSHAD ALI

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.14565 OF 1996

ORDER:

This writ petition is filed seeking a writ of mandamus to declare that the second respondent has no power or jurisdiction to transmit the vehicle check reports relating to the vehicles of the petitioners covered by All India Tourist permits, to the third respondent authority in Karnataka.

In the counter it is stated that this Court in W.P.No.17498 of 1992 has held that the second respondent can forward the report to the third respondent, but no action can be taken under Section 86 of the Motor Vehicles Act, 1989 to cancel such of the permits.

In that view of the matter, the second respondent can only forward the report to the competent authority in Karnataka State but at the same time no action can be taken for cancellation of the permit.

The writ petition is disposed of with the above said observation. No costs.

13.12.2004.

mdaa.

Copy to:

2 Secretary , State Transport Authority,
AP., Hyderabad
3 Secretary, Sate Transport Authority,
Karnataka, Bangalore
4 Transpoprt, Commissoner,
AP., Hyderabad

5. Two C.Cs to G.P.for Transport, High Court of A.P., Hyderabad (OUT)

6. Two C.D. copies.